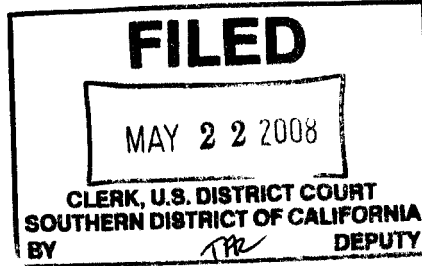


ATW
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
Ricardo SILVA-Cota,
Defendant.

Mag. Case No. **'08 MJ 8459**
COMPLAINT FOR VIOLATION OF
Title 8, U.S.C., Section 1326
Deported Alien Found In the
United States

The undersigned complainant being duly sworn states:

On or about March 15, 2008, within the Southern District of California, defendant Ricardo SILVA-Cota, an alien, who previously had been excluded, deported and removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and (557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Deportation Officer
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF May 2008.

Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Ricardo SILVA-Cota

4 STATEMENT OF FACTS

5 The complainant states that this complaint is based upon the statements of the
6 apprehending U. S. Immigration Enforcement Agent M. Gallaga.

7 On March 15, 2008, the defendant, identified as Ricardo SILVA-Cota, was arrested in El
8 Centro, California, by Officer M. Lizarraga for public intoxication in violation of PC-647(f).
9 Agent Gallaga subsequently encountered the defendant in custody at the Imperial County Jail and
10 placed an immigration detainer on Form I-247.

11 On May 21, 2008, SILVA was referred to the custody of United States Immigration and
12 Customs Enforcement in Imperial, California. SILVA was arrested and taken to the Imperial
13 Valley Immigration and Customs Enforcement office for processing.

14 Record checks of SILVA revealed he was previously ordered deported to Mexico by an
15 Immigration Judge on July 6, 2005. On July 21, 2005, SILVA was removed to Mexico via the
16 San Ysidro, California, Port of Entry. Further record checks revealed SILVA has a criminal
17 record.

18 There is no evidence that SILVA ever sought or received permission from the Attorney
19 General of the United States or his designated successor, the Secretary of the Department of
20 Homeland Security, for permission to re-enter the United States.

21 Based upon the foregoing information, there is probable cause to believe that Ricardo
22 SILVA-Cota has illegally re-entered the United States after Deportation, in violation of Title 8,
23 United States Code 1326, Deported Alien Found in the United States.
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